

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 24135 of 2025**

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MANISHBHAI S/O KIRANBHAI CHRISTIAN
Versus
STATE OF GUJARAT

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Appearance:

MR DHRUV K DAVE(6928) for the Applicant(s) No. 1
MS MITA S PANCHAL(530) for the Respondent(s) No. 1
MR RONAK RAVAL, ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

**Date : 04/02/2026
ORAL ORDER**

1. Heard learned advocate Mr.Dhruv Dave appearing on behalf of the applicant, learned Additional Public Prosecutor Mr.Ronak Raval appearing on behalf of the respondent-State and learned advocate Ms.Mita Panchal appearing on behalf of the original complainant.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.

3. The applicant has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with FIR being C.R. No. 11204021230561/2023 registered with Dakor Police Station, Kheda for the offence punishable under Sections 420, 467, 468, 471, 114 of the IPC.

3.1. The applicant has been arrested for the aforementioned offence and had been enlarged on regular bail by the learned Coordinate Bench vide order dated 03.04.2024 in Criminal Misc. Application No.5629/2024 inter alia on a condition that the applicant would deposit the entire amount of the alleged fraud i.e. Rs.36,92,000/- before the learned Trial Court within a specific period of time.

3.2. It appears that the out of the total amount being Rs.36,92,000/-, the applicant had paid Rs.10,00,000/- in total i.e. Rs.5,00,000/- in two installments and the applicant, on facing certain difficulty, had moved an application for modification of order and vide order dated 19.07.2024, learned Coordinate Bench had permitted the applicant to deposit the remaining amount in 12 equal installments.

3.3. The said condition also not being complied with, the learned Trial Court had ultimately issued warrant and the applicant having been apprehended, the applicant had approached the learned Trial Court for being released on regular bail and the same not having been acceded to, the applicant has approached this Court by way of this application.

4. Learned advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant may be enlarged on regular bail. It is further submitted that since the charge-sheet is filed no useful purpose would be served by keeping the applicant in jail for indefinite period. It is further contended that the applicant is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

4.1. Learned advocate Mr.Dave on behalf of the applicant would submit that while the applicant has deposited an amount of Rs.10,00,000/-, in case the present applicant does not attend the trial regularly, the learned Trial Court may be permitted to forfeit the entire / part of the amount in question.

5. As against the same, learned Additional Public Prosecutor appearing for the respondent – State and learned advocate Ms.Panchal for the complainant have vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role attributed to the present applicant as coming out from the charge-sheet, this Court may not exercise the discretion in

favour of the applicant and the application may be dismissed.

6. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

- i. The fact that the applicant though ready and willing to deposit, could only deposit part of the entire amount i.e. a total of Rs.10,00,000/- and having remained in custody since 18/9/25, reflects inability to pay.
- ii. The fact of the applicant being in custody since 18.09.2025, inspite of having been released insofar as the substantive offences are concerned, only on account of non-deposit of money, clearly reflecting that probably the applicant may not have anything left for him to deposit.
- iii. The submission made by learned advocate Mr.Dave on behalf of the applicant regarding forfeiting of the the amount in question if the applicant does not attend the trial regularly.

This Court has taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation** reported in

[2012] 1 SCC 40.

7. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the First Information Report, without discussing the evidence in detail, prima facie, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail.

8. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with F.I.R. registered as C.R. No. 11204021230561/2023 registered with Dakor Police Station, Kheda, on executing a bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that he shall;

[a] not take undue advantage of liberty or misuse liberty;

[b] not act in a manner injurious to the interest of the prosecution;

[c] surrender passport, if any, to the lower court within a week;

[d] not leave the State of Gujarat without prior permission

of the Sessions Court concerned;

[e] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the I.O.;

[f] mark presence once a month for a period of six months before the concerned police station.

[g] the applicant to attend the trial regularly.

9. The applicant to attend the trial regularly and whereas, in case of repeated absence without any application for exemption, learned Trial Court would be at liberty to forfeit an amount of Rs.1,00,000/- as against Rs.10,00,000/- deposited by the present applicant and appropriate / disburse the same in any manner as thought fit by the learned Trial Court.

9.1. Learned Trial Court shall endeavour to ensure that the trial is completed as expeditiously as possible.

9.2. In case of any breach of the original conditions, learned Trial Court would be at liberty to take appropriate steps including steps for cancellation of regular bail.

10. The Authorities will release the applicant only if he is not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the Sessions Court concerned will be free to take appropriate action in the matter.

11. Bail bond to be executed before the lower court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions in accordance with law.

12. At the stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant for being released on regular bail.

13. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

Bhoomi

(NIKHIL S. KARIEL,J)